



State of New Jersey

DEPARTMENT OF HEALTH AND SENIOR SERVICES

PO BOX 360

TRENTON, N.J. 08625-0360

JAMES E. MCGREEVEY  
Governor

[www.state.nj.us/health](http://www.state.nj.us/health)

CLIFTON R. LACY, M.D.  
Commissioner

April 22, 2004

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Marc R. Peck, M.D.  
President & Chief Executive Officer  
Atlantic Medical Imaging, L.L.C., Cape May Court House  
421 Route 9 North  
Cape May Court House, New Jersey 08210

Re: Notice of Proposed Assessment of Penalties  
and Warning  
Facility ID# 23026

Dear Dr. Peck:

The Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 et seq., is intended to ensure that all licensed New Jersey health care facilities are of the highest quality. In furtherance of this objective, N.J.S.A. 26:2H-5 authorizes the Commissioner of Health and Senior Services to inquire into health care services and the operation of health care facilities and to conduct periodic inspections of such facilities with respect to the fitness and adequacy of the premises, equipment and personnel.

Department of Health and Senior Services (Department) staff visited your facility on December 4, 2002, for the purpose of conducting an initial licensing survey. The survey report revealed that Atlantic Medical Imaging, L.L.C., Cape May Court House (Atlantic) was in violation of certain licensure requirements in N.J.A.C. 8:43A, Standards for Licensure of Ambulatory Care Facilities. The following are those violations for which a monetary penalty is imposed against Atlantic:

1. N.J.A.C. 8:43A-2.3(b) states, "The license issued by the Department shall specify the services which the facility is licensed to provide . . . The facility shall provide only those services for which it is licensed or authorized to provide by the Department."

Based on observation, staff interviews, and a review of available documentation, the facility was found to have provided magnetic resonance imaging (MRI) and computerized tomography (CT) services, since November 18, 2002, without a

license or authorization by the Department of Health and Senior Services, as evidenced by the following:

- a) On the day of the survey, the surveyor observed MRI and CT medical records stored in the medical record storage system.
- b) According to staff interviews, the facility started providing MRI and CT services to patients on November 18, 2002.
- c) Documentation on a computerized record of MRI and CT patient services revealed that a total of 70 MRI's and 33 CT's were provided in the facility from November 18, 2002 through December 3, 2002.
- d) In 5 of 6 patient medical records reviewed, MRI or CT procedures were performed at the facility, as demonstrated by:
  - 1) Patient #1: Two MRI procedures were performed on December 2, 2002.
  - 2) Patient #3: One MRI procedure was performed on November 22, 2002.
  - 3) Patient #4: Two CT procedures were performed on November 27, 2002.
  - 4) Patient #5: One MRI procedure was performed on November 21, 2002.
  - 5) Patient #6: One MRI procedure was performed on November 19, 2002.
- e) On the day of the survey, facility staff stated that 3 patients were scheduled for MRI procedures on December 4, 2002, between 5:00 p.m. and 7:00 p.m.

2. N.J.A.C. 8:43A-9.3(b)6 states, " All needles and syringes shall be kept in locked storage areas." The survey revealed that Atlantic violated the requirements for the storage of syringes, as evidenced by the following:

50 and 100 milliliter syringes were observed to be stored in an unlocked cabinet in the CT Room.

3. N.J.A.C. 8:43A-17.3(a)3 states, "All equipment and materials necessary for cleaning, disinfecting, and sterilizing (if applicable) shall be provided." The survey revealed that Atlantic violated the requirements for providing solutions necessary for cleaning and disinfecting, as evidenced by the following:

Based on observation and staff interviews, the facility failed to provide a germicidal disinfectant solution to clean surfaces, articles and equipment.

4. N.J.A.C. 8:43A-17.3(b)8 states, "All furnishings shall be clean and in good repair, and mechanical equipment shall be in good working order . . . Broken or worn items shall be repaired, replaced, or removed promptly." The survey revealed the following:

Based on observation, the facility failed to provide equipment in good working order, as evidenced by the thumb-turn deadbolt on the exit door from the control room, which did not function properly and impeded unencumbered egress.

5. N.J.A.C. 8:43A-19.1(a) states, "New buildings and alterations and additions to existing buildings for freestanding ambulatory care facilities shall conform with the New Jersey Uniform Construction Code, N.J.A.C. 5:23-3.2, subchapters of the current model code of the Building Officials and Code Administrators International (BOCA), Inc., as appropriate to Use Group B, as amended and supplemented, and the current edition of the Guidelines for Construction and Equipment of Hospital and Medical Facilities, as amended and supplemented, incorporated herein by reference." The survey revealed the following:

Based on observation, the facility failed to ensure that the physical plant conformed with the requirements of the New Jersey Uniform Construction Code and the referenced BOCA Code, as evidenced by:

- a) The main entrance/egress doors had a double key deadbolt lock. This was in violation of BOCA Code, Section 1017.4.1, which states that all means of egress doors shall be readily operable from the side from which egress is to be made without the use of a key or special knowledge or effort.

N.J.S.A. 26:2H-14 allows for the imposition of a penalty of not more than \$5,000 for each day that a facility violates any rule or regulation as it pertains to the care of patients or physical plant standards. Therefore, in accordance with N.J.S.A. 26:2H-14, you are hereby assessed a penalty of \$100,000, calculated as follows:

\$85,000 (\$5,000 per day for each of 17 days of operating without a license) for the violation of N.J.A.C. 8:43A-2.3(b) as provided for at N.J.A.C. 8:43E-3.4(10).

\$5,000 for the violation of N.J.A.C. 8:43A-9.3(b)6 as provided for at N.J.A.C. 8:43E-3.4(10).

\$5,000 for the violation of N.J.A.C. 8:43A-17.3(a)3 & (b)8 as provided for at N.J.A.C. 8:43E-3.4(10).

\$5,000 for the violations of N.J.A.C. 8:43A-19.1(a) as provided for at N.J.A.C. 8:43E-3.4(10).

A certified check or money order, made payable to "Treasurer, State of New Jersey" must be submitted within 30 days of the date of this letter. In accordance with N.J.A.C. 8:43E-3.5(c), failure to pay this penalty may result in a summary civil proceeding in the Superior Court of New Jersey in accordance with the Penalty Enforcement Law, N.J.S.A. 2A:58-1 et seq., or placement of Atlantic Medical Imaging, L.L.C. Cape May Court House on provisional licensure status. Payment should be forwarded to:

New Jersey Department of Health and Senior Services  
Certificate of Need and Acute Care Licensure Program  
P.O. Box 360, Room 403  
Trenton, New Jersey 08625-0360  
ATTN: Mr. John A. Calabria

Pursuant to N.J.S.A. 26:2H-13, you may contest this proposed penalty assessment by giving written notice to this Department of your desire for a hearing before the Office of Administrative Law. Such notice must be accompanied by a written answer addressing each of the violations. This penalty may be held in abeyance until such time as the hearing has been concluded and a final decision rendered. A request for such a hearing must be submitted to this office within 30 days after mailing, and should be forwarded to:

New Jersey Department of Health and Senior Services  
Office of Legal and Regulatory Affairs  
P.O. Box 360, Room 805  
Trenton, New Jersey 08625-0360  
ATTN: Ruth Charbonneau, Esq.

In addition, the December 4, 2002 survey noted the following deficiencies:

1. N.J.A.C. 8:43A-15.2(a) states, "Drills of emergency plans shall be conducted on each shift at least quarterly. The facility shall maintain documentation of all drills, including the date, hour, description of the drill, participating staff, and signature of the person in charge. The drills on each shift shall include at least one drill for emergencies due to fire and one drill for emergencies due to disasters other than fire, such as storm,

flood, other natural disaster, bomb threat, or radiological accident." The survey revealed the following:

Based on a review of documentation, the facility failed to provide documented evidence that a drill was conducted of emergency plans.

2. N.J.A.C. 8:43A-15.2(b) states, "The facility shall perform quarterly tests of the building's manual pull alarm system and shall maintain documentation of test dates, locations of manual pull alarms tested, persons testing the alarms, and results of the tests." The survey revealed the following:

Based on a review of documentation, the facility failed to provide documentation of procedures for quarterly testing of manual pull alarm system.

3. N.J.A.C. 8:43A-17.1(a) states, "The facility shall provide and maintain a sanitary and safe environment for patients." The survey revealed the following:

Based on observation, the facility failed to provide and maintain a sanitary and safe environment for patients, as evidenced by the availability of cloth-covered pillows for patient use.

4. N.J.A.C. 8:43A-17.3(a)5 states, "Articles in storage shall be elevated from the floor and away from walls, ceilings, and air vents." The survey revealed the following:

Based on observation, the facility failed to ensure that articles in storage were elevated from the floor, as evidenced by water bottles that were stored on the floor in the Soiled Linen Closet.

5. N.J.A.C. 8:43A-17.6(a)1-4 states, "If laundry services are provided, written policies and procedures shall be established and implemented for the facility's laundry services, including, but not limited to, policies and procedures for the following:

- 1) The provision of clean laundry for each patient, including blankets, if required. Linen shall be changed between each instance of patient use;
- 2) Collection of soiled laundry so as to avoid microbial dissemination into the environment, and placement in impervious bags or containers that are closed at the site and time of collection. Containers shall be in good repair, kept clean, and identified

for use with either clean or soiled laundry;

3) Protection of clean laundry from contamination during processing, transporting, and storage; and

4) The sanitizing of equipment surfaces that come into contact with laundry."

The survey revealed the following:

Based on a lack of available documentation and staff interviews, the facility failed to establish written policies and procedures for laundry services.

6. N.J.A.C. 8:43A-19.1(a) states, "New buildings and alterations and additions to existing buildings for freestanding ambulatory care facilities shall conform with the New Jersey Uniform Construction Code, N.J.A.C. 5:23-3.2, subchapters of the current model code of the Building Officials and Code Administrators International (BOCA), Inc., as appropriate to Use Group B, as amended and supplemented, and the current edition of the Guidelines for Construction and Equipment of Hospital and Medical Facilities, as amended and supplemented, incorporated herein by reference." The survey revealed the following:

Based on observation, the facility failed to ensure that the physical plant was in conformance with the requirements of the New Jersey Uniform Construction Code and the referenced BOCA Code, as evidenced by:

a) The Computer Room walls were lined with unpainted Homasote sound absorption board. The material was noted on the architect's drawings to be painted to provide a washable, cleanable surface. There were large gaps between the boards which needed to be sealed to prevent dirt and moisture collection in and behind the gaps.

7. N.J.A.C. 8:43A-25.5(a)11(ii) states , "If radiological services are provided in a freestanding facility, the suite shall contain storage facilities including, at least, a room for storage of soiled linen." The survey revealed the following:

Based on observation and staff interviews, the facility failed to provide a room for storage of soiled linen. The room designated on the approved architectural plans for soiled linen storage was being used to store bottles of drinking water.

The Department has determined that a monetary penalty will not be assessed at this time against Atlantic Medical Imaging, L.L.C., Cape May Court House for the following seven deficiencies: N.J.A.C. 8:43A-15.2(a); N.J.A.C. 8:43A-15.2(b); N.J.A.C.

Atlantic Medical Imaging, L.L.C. Cape May Court House  
Facility ID# 23026  
Page 7

8:43A-17.1(a); N.J.A.C. 8:43A-17.3(a)5; N.J.A.C. 8:43A-17.6(a)1-4; N.J.A.C. 19.1(a)(unpainted walls); and N.J.A.C. 8:43A-25.5(a)11(ii).

**However, please be advised that this notice serves as a warning that failure to evidence compliance with the above-noted regulations in the future may result in the assessment of civil monetary penalties against Atlantic Medical Imaging, L.L.C., Cape May Court House.**

I anticipate your complete cooperation in assuring that the health, safety, and well being of patients at your facility are protected and maintained. If you have questions concerning this matter, please contact Mr. John A. Calabria, Director, Certificate of Need and Acute Care Licensure Program, at (609) 292-8773.

Sincerely,

Marilyn Dahl  
Deputy Commissioner  
Health Care Quality & Oversight

c: Ms. Eisenbud  
Ms. Thornton  
M. Raksa, DAG  
R. Charbonneau, Esq.  
Ms. Riley  
Mr. Calabria  
Ms. Gibson  
Mr. Kobylarz  
Ms. Brown  
Mr. Greenberg  
Ms. Hall  
M. Miller, Esq.